

# THIS LAND IS *Your* LAND...



**OFSC Landowner Information Booklet**

# The ABC's of Organized Snowmobiling

## Clubs

Organized snowmobiling has existed since 1966 in the province of Ontario. It became unified when local snowmobile clubs became organized — locally, regionally and provincially. It is very important to make a clear distinction between 'snowmobiling' and the 'organized snowmobiling' which defines the Ontario club experience. Among their many achievements, the local snowmobile clubs who form the Ontario Federation of Snowmobile Clubs (OFSC) operate Ontario's premier trail network. They also have developed the most successful user pay funding system for recreational trails in the province. It is our belief that we are prepared to take the best possible care of your property for recreational trail use.

## Trails

Snowmobile trails are the unique 'product' provided by OFSC clubs. Trails are built to promote and bring together communities as part of organized snowmobiling. All of the economic, social, health and recreational benefits associated with snowmobiling stem from the development of these snowmobile trails. In many places, the existence of these snowmobile trails depends on the continued generosity and cooperation of private property owners. Thus, good landowner relations are of paramount importance to both the OFSC and its member clubs, because without you, an integrated trail system could not function.

## Volunteers

An army of dedicated club volunteers drawn from your local community continue to develop, build and maintain the OFSC snowmobile trail system by consolidating established local trails they have been using. These volunteers ensure that local trails have appropriate land use permission from the applicable landowners in the community. Volunteers are also responsible for properly preparing, signing, and safely opening trails in the fall, maintaining and grooming them in the winter, and closing them in the spring. Volunteers are the cornerstone of organized snowmobiling.

# The ABC's of Organized Snowmobiling cont'd

## The OFSC

The Ontario Federation of Snowmobile Clubs is a non-profit, volunteer-driven organization. It is the coordinating body of organized snowmobiling for Ontario. The OFSC provides advice and guidance to member clubs on a broad range of topics, to assist them in reaching provincial objectives. The Federation is also responsible for activities which the clubs deem are best handled at the provincial level such as TOP (Trans Ontario Provincial) Trail planning, safety, environment, insurance, guidelines, and the user pay system. The Federation maintains an office in Barrie, Ontario, where the club volunteers who operate the OFSC interact with the General Manager and staff on a daily basis.

The OFSC has a rich history and a diverse legacy of accomplishment. For decades, the Federation has made substantial inroads, on behalf of the member clubs, towards establishing organized snowmobiling as we know it today. Along the way, its traditions of volunteerism, community service, trail building, positive landowner relations, and local club autonomy have actively flourished, as has the popularity of snowmobiling.

Organized snowmobiling has a proven track record in Ontario. As a landowner, you are dealing with a local OFSC club supported by a professional, effective association that assists in overseeing the over 40,000 kms of marked, maintained and groomed snowmobiling trails in the province. For you, this means protection, stability and consistency. We have a long-standing, successful, and amicable relationship with Ontario's private landowners. The OFSC represents your best assurance that you and your land will be treated right.



## How Do Snowmobile Trails Work?

### Landowners

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At last count, Ontario snowmobile clubs reported land use permission with over 15,000 private landowners. These owners include farmers, cottagers, hunt camp owners, wood lot operators, absentee landlords, businesses, corporations, and many, many others. They are a diverse group, with many different viewpoints and interests, but all share a love of their land, and a desire to be treated fairly and with respect by the snowmobiling community.

By designating a specific route across their land for OFSC snowmobiles during the winter, landowners have contributed immeasurably to their local snowmobile clubs and home communities. Landowners who provide consent for the snowmobile club to access their property, will be invited to sign an OFSC Land Use Permission Form. This form outlines the obligations of the snowmobile club to the landowner. When it is signed, the insurer for the OFSC agrees to recognize the landowner as an insured by the OFSC's Third Party General Liability Policy for any legal liability claims with respect to the Ontario Federation of Snowmobile Clubs. The signed form becomes the landowner's assurance that the trail system on his/her property will be monitored, maintained and groomed by club volunteers. By allowing this permission, the snowmobile trail on your property becomes an important part of the local club trail network which also forms part of the provincial trail system.

### Club Trails Form Provincial System

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Each OFSC snowmobile club obtains the necessary land use permissions from local landowners. This permission is for exclusive use of a trail corridor by snowmobiles of OFSC members, only during the winter. It also allows the club volunteers to commence trail preparation in the Fall and close up in the Spring.

The process of piecing together even a single trail can be complicated. Assembling its full length can involve permission from multiple landowners whose properties are adjacent and consecutive. Inability to access the necessary properties can lead to difficult

## How Do Snowmobile Trails Work? cont'd

rerouting, long detours or even the use of public roads to connect to other existing trails.

Upon obtaining land use permission from landowners, the club then ensures that the trails are ready and groomed for snowmobiling throughout the season. With landowner permission, preparation during the off-season involves signing, clearing, leveling, brushing, staking and possibly widening and bridging. Some of these local trails are linked to form the border to border trail network, called the Trans Ontario Provincial (TOP) Trail System, while others comprise regional networks. All will appear on snowmobile trail maps so that riders know where to ride, and more importantly, where not to ride.

### Trail Funding

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To operate each kilometre of trail every season, it costs non-profit snowmobile clubs an average of \$412 in cash, in kind and in volunteer labour. For our 40,000 kilometre plus trail system province-wide, the total amount is about \$19 million each year. Approximately \$14 million of the required resources are obtained from the OFSC's successful User Pay System. 'User pay' simply means that those who utilize the trail pay for it. Thus, a Snowmobile Trail Permit, sold by the clubs, allows those who choose to ride on groomed and signed snowmobile trails to pay their share of the operating cost. A full season Snowmobile Trail Permit enables a permit holder to ride any open OFSC Prescribed trail at any time during the winter.

Most of the money raised from the sale of Trail Permits goes back into trails or trail related programs. About 75% of the proceeds from the sale of Snowmobile Trail Permits provides primary funding for local snowmobile clubs and their trails (The other 25% is allocated to provincial programs; see below). However, the total revenue derived from permit sales is \$14 million and it costs approximately \$19 million to operate the trail system. That leaves an annual funding shortfall of about \$5 million, some of which is made up through ongoing club fundraising efforts and the labour contributions of club volunteers.

While 75% of the permit revenues stay with clubs, the OFSC manages an annual operating budget of almost \$11 million for provincial programs

## How Do Snowmobile Trails Work? cont'd

and operations that benefit clubs and trails. This revenue is derived from OFSC fundraising and partnerships (43% of OFSC budget), and from the other 25% of permit sale income (57% of OFSC budget), which is remitted to the OFSC by member clubs.

Of the permit revenue sent to the OFSC by clubs, 42% is redistributed directly back to clubs through a province-wide funding formula that pays a larger portion to clubs with the greatest need. Part of this percentage is also redistributed to clubs



through a Trail Development Fund, to which clubs may apply for project grants. The other 58% of the permit revenue sent to the OFSC by clubs is invested by the Federation into programs, club services, insurance & administration that support clubs and trails.

Through these various mechanisms, permit revenues are allocated as effectively and efficiently as possible. According to their mandate as non-profit groups, snowmobile clubs must account for everything they take in from permit sales and ensure that these funds are applied to trails and related operations. Thanks to volunteer contributions and other generous

community donations, clubs continue to achieve significant results, despite having limited financial resources.



## How and Why has the Province Become Involved?

### The First Investments

In the early nineties, the OFSC began to lobby the Province of Ontario to invest in the economy of rural Ontario by supporting snowmobile trails. The OFSC successfully represented that snowmobile trails effectively bring new jobs and business activity into rural areas where traditionally the winter season offers fewer opportunities for communities to prosper. Club volunteers and landowners had already partnered to develop a significant trail system. The Province of Ontario was asked to contribute to the costs of capital improvements.

Throughout the past decade, the Province of Ontario invested through two distinct programs. The first was the 3-year SNO-TRAC (Snowmobile Trail Rehabilitation and Construction) Partnership with the OFSC wherein the Province invested \$14 million, while snowmobile clubs contributed \$7 million that they raised or borrowed. It was followed by the 2-year “Safe Smooth Trails (SST)”, wherein local clubs raised \$10 million to match \$10 million of investment by the Province of Ontario.

While these completed partnerships with the Province of Ontario were very successful in accomplishing the desired objectives, it is crucial to remember four important factors:

1. These programs were for capital projects, providing no ongoing operational dollars or support to either the OFSC or snowmobile clubs to run the trail system.
2. Due to eligibility requirements, both programs primarily benefited Northern Ontario clubs, although the OFSC did some internal revenue shifting to assist Southern Ontario clubs too.
3. Snowmobile clubs fundraised, borrowed/or committed future operational dollars to obtain their \$17 million contribution to access both programs. The trail infrastructure and grooming fleet

## How and Why has the Province Become Involved? cont'd

improved significantly, as did the positive economic impact on many rural communities. However, with no new source of sustainable funding, it has become increasingly difficult for clubs to meet rising operational costs.

4. Between 1993 and 2000, these Province of Ontario/OFSC partnerships invested over \$41 million new dollars into rural Ontario, money that has helped reduce seasonal unemployment, provided new business opportunities that have enticed people to stay in local communities, and kick-started a whole new winter activity that expands the economic potential of the rural snowbelt.

## Bill 101 and the Trail Safety & Sustainability Program

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Recognizing the continuing operational funding shortfall faced by snowmobile clubs, the OFSC began working with the Province of Ontario to develop new funding approaches. The idea was to focus on operational and sustainability concerns. This way, snowmobile clubs could continue to deliver the safe trails that provide economic benefits to rural Ontario. This initiative had two significant results: the passing of Bill 101 in January, 2001, and a new partnership called Trail Safety and Sustainability (TSS) in May, 2002.

## What is Bill 101?

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After stakeholders and interest groups, including landowners, were consulted at five major public hearings across Ontario, Bill 101 (An Act to Promote Snowmobile Trail Sustainability and Enhance Safety and Enforcement) was passed by the Province of Ontario. Bill 101 came into effect for the 2001/02 snowmobiling season. Its intent is to help OFSC clubs raise additional revenues by ensuring that all snowmobiles riding OFSC trails for recreational purposes have permits (certain limited exemptions apply, see below). It also improves trail safety by clarifying enforcement powers and improving safety regulations.

## How and Why has the Province Become Involved? cont'd

## Bill 101 Does Not Effect Private Land

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Some landowners who allow OFSC snowmobile trails on their property are concerned about what Bill 101 means to them and to their land. Others have asked if Bill 101 physically regulates snowmobile trails and therefore the land upon which trails reside.

The simple answer is that Bill 101 does not change the existing relationship between the landowner and the local snowmobile club. It has no direct effect on private landowners or their land because it does not deal with or have any authority over OFSC snowmobile trails on private land.

An Agreement between the OFSC and the Ministry of Transportation of Ontario (MTO) resulted from Bill 101. It only deals with the production, distribution, sale and accountability of Snowmobile Trail Permits. It does not regulate OFSC trails or any land upon which they may reside.

The Trespass to Property Act and Occupier's Liability Act still apply to all OFSC Trails on private property as they always have. They continue to be enforceable by OFSC Wardens and enforcement agencies on behalf of the landowner. As in the past, the private land upon which any snowmobile trail may reside also remains the exclusive property of that landowner, regardless of how long that trail has been in place, and how it may have been improved or marked by the local club. The granting of land use permission for a snowmobile trail across private property is not forever, nor does it constitute permission for any other uses by any other group(s) in any season.

Bill 101 helps support and enforce landowner rights by allowing snowmobile clubs more authority to ensure that the landowner's property is only used for the intended purpose of snowmobile trail riding. Other users may be considered trespassers and be prosecuted.

## **No Permit Revenue Goes to the Province**

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The fact that the OFSC now has an Agreement with MTO regarding Snowmobile Trail Permits means that the permit itself displays both the OFSC and the Province of Ontario logos (for reasons explained below). No money from Trail Permits sales goes to the Province of Ontario, except for the actual cost of the printing of the Trail Permits (A cost which was previously incurred and paid by the OFSC to a private sector supplier). All of the revenues from the sale of Trail Permits continue to go to the local clubs as it has in the past.

## **New Signs Make Permits Enforceable**

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As a result of the new Agreement between the OFSC and MTO regarding Snowmobile Trail Permits, clubs are placing one new sign on OFSC snowmobile trails. It reads: "OFSC Prescribed Trail". These signs also display both the OFSC and Province of Ontario logos, but all they are doing is identifying the snowmobile trails on which snowmobilers must have a Snowmobile Trail Permit to ride. The presence of the signs and the permits in no way assumes any rights, authority or control over the land by the Province of Ontario, any more than the OFSC logo alone did previously. All previous or new OFSC snowmobile trails remain OFSC snowmobile trails, signed and looked after by the local club, and will not become, in any way, shape or form, 'government' trails.

Again, neither Bill 101, or the new Agreement between the OFSC and MTO, has any authority or provision that applies to the private land on which snowmobile trails reside. Each landowner has all the same property ownership and rights as in past years, and each OFSC club must still get permission from the landowner for a snowmobile trail. The relationship between the landowner and the local club is still very important and essential to the success of organized snowmobiling.

## **Why is The Province Involved in Trail Permits?**

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The reason that the Province of Ontario is involved with the Snowmobile Trail Permit is simple. To make it a legal requirement for recreational snowmobiles using OFSC trails to have a Snowmobile Trail Permit, two actions had to take place:

1. To Make It Legally Enforceable by Police Agencies: The new Snowmobile Trail Permit itself had to display the Province of Ontario logo. Previously, with no Provincial validation on it, police could not act in support of the 'OFSC Permit' because, by law, they are not allowed to enforce a 'private' sector permit. Meanwhile, only the local club could lay a Trespass charge which was difficult and costly for them
2. To Designate 'Prescribed' Trails: All trails operated by OFSC clubs had to be clearly identified as such, so that enforcement agencies could confirm where a Snowmobile Trail Permit is required before charging anyone for not having one. The Prescribed Trail Signs now differentiate official 'OFSC' trails from other non-sanctioned routes. These unaffiliated routes can include thousands of unmaintained old roads, farm tracks, utility corridors, abandoned rail lines and logging roads that may be available to non-OFSC snowmobilers or other trail groups.

Neither of these two actions to legally recognize Snowmobile Trail Permits could have been accomplished without the cooperation of the Province of Ontario. Neither in any way changes how clubs and landowners interact or the rights of private landowners with respect to their own property.

## Exemptions Do Not Apply on Private Land

The goal of Bill 101 is to ensure that recreational snowmobilers pay their way. However, it also recognizes that snowmobile trails on Crown Land are sometimes used for commercial purposes. Since the Province of Ontario has no authority to regulate trails on private land, limited Trail Permit exemptions only for Prescribed OFSC Trails on Crown land were allowed. These exemptions are for specified workers while engaged in their work and able to prove it with appropriate documents. They include bait harvesters; commercial fish harvesters; trappers; prospectors; forest workers; utility companies and mining or exploration companies.

Limited exemptions were reconfirmed for land owners and their tenants and immediate family members of both while on their own land, and extended to include while either is travelling directly to or from their property on Crown land, if the trail is the only access route from the closest road or is the only safe access route. The same exemption for Crown land only applies to Crown land tenants and their immediate family members. A Crown land exemption was granted to the Aboriginal people of Canada. A limited exemption on Crown land only is available to specific anglers and hunters who can prove that they are using their snowmobile while engaged in their sport, and when the trail on Crown land is the only access route from the closest road or is the only safe access route. For complete details on trail permit exemptions, please refer to Ontario Regulation 185/01 of the Motorized Snow Vehicles Act.

It is important to understand that these exemptions do not apply to a snowmobile trail on private land, except for the specific owner of that land. As always, anyone other than the owner and family who wishes to enter or use private land must first obtain permission from the landowner.

## Bill 101 Benefits Landowners

Landowners benefit from the provisions of Bill 101 too. Having Snowmobile Trail Permits become law under Bill 101 means the Province of Ontario now supports ensuring legal use of OFSC trails by recreational snowmobilers. Thus, in addition to protection against legal liability for bodily injury or property damage by the insurance policy held by the OFSC for authorized landowners, and The Trespass to Property and Occupier's Liability Act, landowners now receive an added level of protection when allowing OFSC snowmobile trails on their land:



Through the new Snowmobile Trail Permit, a snowmobiler can now be more easily traced, checked and held accountable by enforcement personnel just like any other motor vehicle operator. This provides clubs with one more tool to control snowmobilers and to assure landowners of the safe and responsible use of their property.

The other major benefit that Bill 101 brings to OFSC snowmobile trails is new safety regulations making it easier for police to enforce both the Criminal Code of Canada and the Motorized Snow Vehicle Act. This benefit should provide landowners with additional peace of mind in knowing that OFSC snowmobiling activities conducted on private property are legal, responsible, enforceable and accountable.

## Trail Safety and Sustainability (TSS)

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The Trail Safety and Sustainability Program is a \$15 million-over-5 years Province of Ontario/OFSC partnership which began in 2002. As the name implies, its main purpose is to address safety and sustainability issues.

Unlike the two previous funding initiatives, TSS is available to all clubs in Ontario. TSS will assist clubs to improve travel by snowmobile trail (such as bridging rivers, better and more consistent signing). As with any Province of Ontario grant program, the conditions and restrictions are strict, detailing the exact specifics on how and where money can be invested by the OFSC in ways that are measurable, accountable, responsible — and that will maximize economic growth in rural Ontario.



TSS will also help to address the substantial operational funding shortfall that clubs suffer each season, by assuring that they have improved resources to operate trails. As a result, more dollars will flow into rural Ontario both from investments associated with TSS itself (such as hiring contractors and workers, and buying materials), and from the increased economic impact from snowmobilers who will be able to move around more easily. The spin-off and trickle down economic effect of these activities will benefit all residents, as more money circulates in their communities. A better economy also stimulates land values, the price of products of the land, and encourages young people to build their futures at home.

## The Relationship Between Landowners and Organized Snowmobiling

### Organized Snowmobiling Depends on Many Volunteers

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Despite various investments from the Province of Ontario in infrastructure and operations, organized snowmobiling still depends on local generosity for its existence. Local landowners provide free use of their land. Club volunteers donate countless hours to organize, open, maintain and close the trails. They also organize social events, do administrative tasks, undertake fundraising activities or work on maps, newsletters, or permit sales. Local businesses, often unrelated to snowmobiling, donate goods, services and expertise. Local municipalities frequently offer complimentary assistance. And other local businesses voluntarily become Authorized Trail Permit Outlets, selling Snowmobile Trail Permits to the public at no cost to the club and with no monetary return for themselves.

Together, the largess of these various community individuals and groups accounts for thousands of dollars of donated value to organized snowmobiling — a good will contribution that cannot be replaced or taken for granted. Without their generosity, if everyone asked to be paid for what is now their voluntary participation, organized snowmobiling in Ontario would cease to exist. As a non-profit operation, there simply isn't enough money available to operate trails — and pay volunteers, landowners, permit sellers, and all the rest of the people whose donations make snowmobiling possible today.

### So Why Not Compensate These Folks with Free Permits?

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The OFSC has never condoned the concept of free permits for anyone, because clubs have never had enough money to operate their trails, so every permit sale counts. Every volunteer buys a Trail Permit to snowmobile. Even the volunteer President of the OFSC buys a Trail Permit.

Under Bill 101 and our Agreement with MTO, each club must account to the OFSC for the full dollar value of every Trail Permit.

## The Relationship Between Landowners and Organized Snowmobiling cont'd

If that club were to provide a permit to a volunteer or landowner for free, then the club would have to make up the total permit value out of its own limited funds. Given that most clubs are already running very lean operations, providing a free permit would adversely impact their bottom line. And how would a club decide what volunteer or landowner was more worthy of a freebie than another? In fairness, one free permit would soon lead to many others, resulting in serious financial consequences for the club as its primary source of revenue erodes.

For landowners, there is an even more important reason that a free permit does not make sense. It doesn't matter whether the permit is a full season Snowmobile Trail Permit or a local pass for a local trail system. According to the Occupier's Liability Act, when a landowner accepts compensation for the use of his/her property, landowner liability for related activities on that property are also triggered.

Moreover, a free permit would only be useful to landowners who snowmobile and that wouldn't be fair to the majority of landowners who do not. Besides, most snowmobiling landowners realize that the revenue loss from free permits would not only jeopardize snowmobiling and undermine volunteer efforts, it could also make their own riding less enjoyable.

## So How Can a Snowmobile Trail Benefit a Landowner?

Snowmobiling has been part of the lifestyle of rural Ontario for four decades. Invented by a Canadian, the snowmobile is as characteristic of the 'Great White North' as is, well, snow. Snowmobiling provides a family recreational activity during the winter, when other options are limited. It provides an opportunity for every generation to remain connected to the land and to learn respect for Mother Nature and private property. It provides an opportunity for neighbours to share winter recreation.

While not every landowner is a snowmobiler, most landowners appreciate contributing so much to their community and neighbours with so little cost to themselves. Having a snowmobile trail on your land means that snowmobilers have a defined corridor to ride, instead of wandering everywhere. Many landowners have found that allowing

## The Relationship Between Landowners and Organized Snowmobiling cont'd

one dedicated, clearly marked route across their land ensures the legal, orderly passage of snowmobiles and encourages local riders to stay on the trail. As farmer Gary Harron, one of the winners of the Landowner Sweepstakes put it: "Before the trail, I had all kinds of trouble with fences being taken down and trespassing by local riders. Since the trail was opened and I began working with the local snowmobile club, I haven't had any more problems."

As a property owner, a snowmobile trail can provide you with winter access to otherwise unreachable parts of your land. During the life of the trail, most clubs will make improvements with your permission and at their own expense, upgrades like small bridges and culverts, gates, reseeding, tree planting, grading, widening, and straightening, which can make your land more valuable or useful in other seasons. And if you are a snowmobiler, you'll have a groomed trail almost to your door!

A snowmobile club only requires a narrow strip of land to run the trail, likely only a fraction of your property, and often off the beaten track. Giving permission for a snowmobile trail is a neighbourly act that is an excellent way to make new friends or to get involved in your community. And many clubs are willing to go that extra mile for their landowners, so if you need any help with your land, don't be afraid to ask!

Remember, your local snowmobile club is a non profit association that covers the considerable cost of operating snowmobile trails through the sale of trail permits, various community fundraisers, and with volunteer labour. For the greater good of the community, many volunteers donate thousands of hours to the snowmobile club to enable it to make ends meet. Your voluntary contribution of land use adds significant support to their good work at no out of pocket cost to you. By donating the use of your land, you also avoid the acceptance of liability which could be incurred if you received compensation for the use of your property.



## All About Land Use Permission

### The OFSC Land Use Permission Form

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Although it is not mandatory for a Land Use Permission Form to be signed, it is a good idea. The Form has been developed with legal and insurance advice to ensure that it complies with all of the terms and conditions of the OFSC Third Party Liability Insurance Policy. For a landowner, this means that legal liability for bodily injury or property damage you incur with respect to the operation or existence of the trail is covered by the OFSC general liability policy. A signed document is physical evidence of your agreement with the snowmobile club and is very important to the OFSC insurer should something happen.

While it is preferable to use the form as written to ensure insurance coverage, occasionally special considerations may be warranted. If so, they must be attached to the form as an appendix initialed by both parties. All changes and revisions must be preapproved by the OFSC insurance company to ensure that the revised Land Use Permission Form remains acceptable and compatible with existing coverage.

This Land Use Permission remains in force until revoked. But your local club contact may be in touch annually to reconfirm your permission, so this is an excellent opportunity to update any of your land use instructions and obtain an annual blanket certificate of insurance (see Liability Coverage, on opposite page).

### Ownership Rights

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By Giving Land Use Permission to the local snowmobile club, you do not lose any ownership rights to your land. All you are doing is allowing the local snowmobile club seasonal use of a specific portion of your land for a snowmobile trail. The club does not want to use all of your land, nor do they want to interfere with or prevent you from using any part of your property, or even to use the designated trail corridor for any other recreational use in any other season. The land is always yours to own and control, and ultimately you may revoke the land use permission at any time if you choose to terminate the partnership with your local club.

You also retain your full rights throughout the balance of the year. There is nothing in The Occupiers' Liability Act, The Trespass to

### All About Land Use Permission cont'd

Property Act or Bill 101 where snowmobile trail use created and continued by your written permission affects your ownership rights, regardless of how long you allow a snowmobile trail use on your land. Neither does such usage set a precedent for any other trail user group or for take over of your trail by the Province. If you have a problem at any time you have the right to call the police, just as you might in any other circumstances.

### Liability Coverage

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By signing the official OFSC Land Use Permission Form you automatically become an “additional named insured” under the OFSC’s Third Party General Liability Insurance Policy. It will provide coverage for you against losses resulting from legal liability for bodily injury or property damage arising from the use of your property by the snowmobile club, including, but not limited to:

- grooming and maintenance (including preseason and post-season work) of designated trails;
- patrolling of trail by OFSC Wardens and S.T.O.P. Officers;
- use and operation of unlicensed grooming equipment;
- losses stemming from damage caused by snowmobilers going off trails (However, if it is possible to identify the snowmobiler their own snowmobile insurance policy may be required to respond.);
- damages resulting from the loss as well as defence costs.

### *Landowners should also know that:*

As a responsible landowner you should also maintain your own usual insurance liability coverage for your property to protect you against other types of losses, including liability coverage for any equipment, automobiles and snowmobiles you may own.

Under the OFSC policy, landowners crossing their own property on a prescribed trail are allowed to do so, providing they are acting legally, with prudence and reasonable care. The policy may respond if a law suit ensues because of an incident that occurs on the trail at such time.

If a landowner is crossing the trail system off of their own property, the rules of the land apply, so liability coverage must be in place for

## All About Land Use Permission cont'd

the operation of their own equipment, since the OFSC liability policy is intended to apply to landowners for liability they incur only on their own property.

Deliberate acts that result in injury or property damage are not covered by any insurance policy.

A landowner is protected by the OFSC liability policy for as long as it is in force and the landowner has signed the Land Use Permission Form. Each year, a landowner may request blanket certificates of insurance to ensure adequate coverage is in force from anyone to whom land use permission has been given — including all other trail user groups.

If the landowner becomes aware of any incident (no matter how small) that may have occurred, the landowner should report it immediately to the local club representative, who has been trained to complete an incident report and immediately file it with the insurer.

## Other User Groups

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The land use permission you give to your local snowmobile club is for winter use, only as a snowmobile trail for snowmobiles displaying valid Snowmobile Trail Permits. It also allows the club access for incidental trail maintenance during the off-season. The Land Use Permission Form does not create or extend any privileges to people who have not signed the Form. Your local club is responsible for patrolling the trail during the winter. It is also responsible for opening, at the beginning of the season, and closing, at the end of the season, any applicable existing gates/barriers, etc. as you may have specified.

If there is a concern, the club can also mark the trail to indicate that it is exclusively for snowmobile use, including a trespass warning. As legal Occupiers of that specified portion of your land during the winter, the local club can also act on your behalf to lay trespass charges against anyone who enters the trail without permission.

## All About Land Use Permission cont'd

### Special Needs

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Before signing the Land Use Permission Form, talk to your club contact about any special needs, concerns or considerations you may have. It is strongly recommended that the land owner and the club contact walk the proposed trail site together. This allows the opportunity to specify the exact layout, permitted width, and signage requirements, as well as such diverse items as noting work to be/not to be allowed, listing gates and fences that need attention, designating fields that need to be staked, crops that need protection, and agreeing on methods for water crossings. If you are planning to do any winter work that might impact the snowmobile trail, this is also a good time to discuss it. These items could be placed on a site map and/or in writing and attached to the Land Use Permission Form as an appendix initial led by both parties.

### Environmental Concerns

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The OFSC also has an Environmental Liability Insurance policy to protect against claims arising from environmental incidents.

Snowmobilers care about the environment and keeping nature beautiful. The OFSC commissioned renown environmental consultants Gartner Lee Ltd. to conduct a study on the Environmental Impacts of Trail Development. The study concluded that said impacts were minimal, manageable and had no serious long term environmental implications, in part because snowmobile use occurs only in the winter when the flora is dormant and snow protects the ground. The same conclusion may not be reached for other trails users or uses in other seasons.

Over the years, OFSC clubs have become very effective environmental managers, developing and operating trails according to the guidelines set by the Ministry of Natural Resources for Crown land (their use by clubs on private land is without MNR involvement since MNR has no jurisdiction on private property), and the OFSC's own Trail Manual. In this regard, you can expect your local club to do a final land check at season's end to ensure that your land is in as good or better condition than it was before the snowmobile season started.

The OFSC also maintains a standing Environment Committee, with dedicated funding of one dollar from every permit sold. Their

## All About Land Use Permission cont'd

mandate is to ensure that snowmobiling remains as environmentally friendly as possible. In support of landowners, one of their priority messages is: Respect the Land — Stay on the OFSC Trail.

## Problem Solving

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Should you have any concern throughout the snowmobiling season, we urge you to contact your club representative immediately and advise him/her of the exact details of the matter. Often, small irritations, when left unchecked, can grow into larger difficulties that could have easily been resolved with an initial phone call.

If necessary, you can contact the president of your local club to explain your problem. These contact names and phone numbers should appear on your Land Use Permission Form or on the landowner letter you may receive from the club.

The next step would be to call the OFSC Governor for your district directly. The Governor presides over a number of clubs in the geographical territory assigned to him by the OFSC. His/her number should be on your Land Use Permission Agreement or club letter. Your concerns will be taken very seriously because the OFSC values your land use permission and wishes to avoid a trail closure.

The consequences of trail closure are very significant and can result in great financial hardship to the snowmobile club. A sudden mid-season closure can be very difficult for all concerned. Your local club will have done their best to link the trail across your land with those on adjacent properties. Thus, a trail closure at one location not only disrupts the entire local system, it may also threaten the safety of snowmobilers who suddenly may be forced to travel along roads until an alternate trail route can be found. Moreover, club maps have already been printed and circulated showing the trail across your land, so most snowmobilers will be expecting this route to be open for the season. Your local club will have very limited ability to inform them otherwise during the season or to prevent continued use of the trail for the remainder of the season.

If it becomes necessary to revoke Land Use Permission, it is best that closure of the trail be made effective at the end of that snowmobiling season. This way, a clean transition plan can be put into place.

## The Legalities of Trail Usage

### Occupier's Liability Act/Trespass to Property Act

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Two laws exist in Ontario to protect the property rights of occupiers and at the same time, to encourage occupiers of rural land to make their land available for a variety of recreational activities.

For the purposes of both acts, the person who is important with respect to the premises (and allowing land use permission) is the 'occupier'. An occupier is the person who has physical possession or custody of, or responsibility for, the condition of the premises, including anyone to whom the landowner may have rented the land. When signed land use permission is granted for a snowmobile trail, the snowmobile club becomes a temporary occupier only for that corridor of land being used as a snowmobile trail. The landowner thereby gains a strong ally in the enforcement of property rights. The two Acts are:

**The Occupiers' Liability Act** defines the liability of all occupiers of land. Other than in cases of recklessness or willfulness, this Act protects occupiers of most rural land from being sued by people who come on to their land. This Act also states that a landowner's acceptance of compensation for use of recreational land increases that landowners responsibility for the safety of those using the land.

**The Trespass to Property Act** provides protection from trespass to land, should the occupiers wish to prevent others from entering, or to control the use of the land.

Together, these acts outline the rights and responsibilities of both occupiers and visitors and are designed to encourage continued cooperation between them.

### Trail Enforcement

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When a snowmobile trail crosses your land, there are four groups who may provide enforcement or monitor it: police, S.T.O.P Officers, Wardens and club workers. Many police forces now operate snowmobile patrols, often in cooperation with OFSC volunteers. Police can enforce the Motorized Snow Vehicle Act, the Criminal

## The Legalities of Trail Usage cont'd

Code of Canada and the Trespass to Property Act, and you can call upon them at any time if there is a problem.

Snowmobile Trail Officer Patrol (S.T.O.P.) officers are club volunteers trained by the Ontario Provincial Police and sworn in as Provincial Offenses Officers. They assist police in enforcing the Motorized Snow Vehicle Act, certain municipal bylaws, and the drinking and driving provisions of the Criminal Code of Canada. In addition, many clubs have OFSC Warden Patrols on the trails. These are volunteers whose main job is checking for Trail Permits, providing assistance and information, and public relations.

Finally, club workers will frequently be on the trail for grooming and maintenance operations. S.T.O.P. officers, OFSC Wardens and the club workers will keep an eye on your property and help assure that it is used in accordance with your wishes.



## Summary

Organized snowmobiling in Ontario has grown from a localized recreational activity to a mainstay of our winter experience. While most snowmobilers still embark from their home by sled and ride locally, inconsistent winters have caused some riders to trailer to popular destinations for their snowmobiling. In addition, the Province of Ontario now includes snowmobiling in its winter marketing efforts, so more Ontarians are riding to new destinations within their own province and more out-of-province visitors are coming to Ontario to snowmobile.

Snowmobilers now spend about \$1 billion annually on snowmobiling-related activities. This spending is especially significant because it is concentrated in rural Ontario. There are few other activities that pump this amount of revenue into rural economies each winter. So while organized snowmobiling may not directly benefit a landowner for the use of the land, it does help ensure a healthy, vibrant winter economy in rural Ontario — an economy that benefits everyone who lives and works in the community — including landowners.

Most land allocated for snowmobile trails in the winter would not be otherwise used during the winter months. In the case of farmers, snowmobiling occurs when little work can be done on the land, and when it is either lying fallow or when winter crops are dormant.

The partnership between club volunteers and landowners who volunteer their land is unique to organized snowmobiling. It is based on a one-on-one, personal relationship, much like other dealings throughout rural Ontario. Each party is generously contributing a resource for the greater good of their community.

Recognizing and respecting the nature of this partnership, the Province of Ontario is continuing to provide additional resources to help alleviate the substantial cost to clubs of operating snowmobile trails. In so doing, the Province has come to the table with investments that will ultimately benefit all rural residents.

With over 15,000 landowners volunteering the use of their land to local clubs for snowmobile trails, one challenge is to treat each landowner with consistent fairness and respect. Not all landowners are the same: some are farmers, while other are cottagers or hunt camp

## Summary cont'd

owners. Their needs and interests can be different, but the OFSC has developed a universal Land Use Permission Form and extends coverage from their General Liability Insurance policy to help protect each landowner and provide defense costs in the event of an insured claim.

Meanwhile, local snowmobile clubs remain as the primary point of contact for landowners. It is the club and community volunteers who understand local issues and appreciate individual needs. It is the club, on behalf of the owner, who actually cares for and monitors the land used for a snowmobile trail. And it is the club who will work with the landowner through any concerns that may arise. After all, both are volunteers, both are involved in the community, and both care about the land.



## MISSION STATEMENT

THE ONTARIO FEDERATION OF SNOWMOBILE CLUBS IS DEDICATED TO PROVIDING STRONG LEADERSHIP AND SUPPORT TO MEMBER CLUBS AND VOLUNTEERS, TO ESTABLISHING AND MAINTAINING QUALITY SNOWMOBILE TRAILS WHICH ARE USED IN A SAFE AND ENVIRONMENTALLY RESPONSIBLE MANNER, AND TO FURTHERING THE ENJOYMENT OF ORGANIZED SNOWMOBILING.

## OFSC SAFETY POLICY

*The OFSC is committed to promoting safe, responsible riding on Ontario snowmobile trails by continuously improving safety standards, programs and enforcement through proactive leadership, stakeholder partnerships, public education and driver training.*



## OFSC ENVIRONMENT POLICY

*The OFSC is committed to a leadership role in fostering the environmentally responsible development and use of Ontario snowmobile trails by working with the stakeholders through a sustained program of dedicated funding, research, public education and innovative special projects.*



# How the OFSC Helps Protect Your Land!

**RESPECT Their LAND.**

**...to keep on snowmobiling.**

Many OFSC Prescribed Trails cross private property provided through the generosity of the landowner.

Each snowmobiler must help to keep these trails open by:

- Staying on the Marked Trail.
- Following Stake Lines across Fields.
- Carrying Litter Out with You.
- Leaving Livestock Alone.
- Not Damaging Gates, Fences or other Property.

and by

- Saying "THANKS" to Landowners at Every Opportunity.

**YOUR ABILITY TO KEEP ON RIDING DEPENDS ON IT!**

www.ofsc.on.ca

LANDOWNER PROGRAM

**THANKS TO OUR LANDOWNERS**

Throughout our trail system, generous landowners allow the winter use of their property for the enjoyment of snowmobiling. This land use privilege is crucial to the existence of the snowmobile trail which provide many social, recreational and economic benefits to our entire community. Without the continuing cooperation of these unselfish friends of snowmobiling, the quality of winter life throughout our area would be significantly diminished.

We ask everyone in our community, but especially snowmobilers and those who benefit most directly from snowmobile trails, to say a special thanks to our landowners for the use of their property again this season.

Thank you from  
**All the OFSC Clubs and Volunteers in Ontario**

**OFSC**  
THE ONTARIO FEDERATION OF SNOWMOBILE CLUBS

**CROP DAMAGE=CLOSED TRAIL**

Protect Our Environment  
**STAY ON MARKED TRAILS!**

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**OFSC**  
ONTARIO FEDERATION OF SNOWMOBILE CLUBS

**PROTECT OUR ENVIRONMENT - STAY ON OFSC TRAILS!**

Throughout the winter, OFSC messaging on radio, television and in snowmobiling publications promotes responsible land use by snowmobilers and recognizes the generosity of landowners.



**YOUR LOCAL SNOWMOBILE CLUB**

**THANKS YOU!!**



**ONTARIO FEDERATION OF  
SNOWMOBILE CLUBS**

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